

Remarks

Reconsideration and allowance of the subject patent application are respectfully requested.

Claims 1-11, 13, 14, 17-30, 32-43 and 46 were rejected under 35 U.S.C. Section 103(a) as allegedly being made "obvious" by O'Brien (U.S. Patent No. 6,587,831) in view of Dellevi et al. (U.S. Patent No. 6,957,188) and in further view of Mosely et al. (*Office 97: Professional Edition*). While not acquiescing in this rejection or in the characterizations made in the office action regarding the applied references, the independent claims have been amended to recite that the work activities are selected from a displayed list of work activities. This amendment finds support in the original specification at, for example, Figures 5 and 6 and page 15, line 5 et seq. and thus no new matter is added. The applied references do not disclose or suggest at least this feature of the claims.

As previously discussed, O'Brien discloses a system and method in which a scheduling engine generates an optimal schedule within certain constraints by assigning employees to each shift in the schedule template. O'Brien makes reference to "employee preferences" such as shift requests, leave requests, and shift swapping. "Shift requests" in O'Brien correspond to times when a worker would like to start/finish work. See col. 7, line 18 et seq. "Leave requests" refer to days off (see col. 8, line 38 et seq.) and "shift swapping" refers to swapping shifts with another employee (see col. 8, line 53 et seq.). None of these "employee preferences" however are described as involving workers specifying, for each of a plurality of different time periods during each of one or more workdays, one of a plurality of different activities that the worker plans to

perform during that time period or that such specifying involves selecting work activities from a displayed list of work activities.

The office action erroneously focuses on the outputs of the scheduling system shown in Figures 2A and 2B of O'Brien. See, e.g., col. 2, lines 44-45 ("FIG. 2A is an exemplary schedule ...generated in accordance with the preferred embodiment.") (emphasis added); and col. 2, lines 46-47 ("FIG. 2B is an exemplary detailed schedule ... generated in accordance with the preferred embodiment.") (emphasis added). These Figures do not disclose or suggest the concept of the workers specifying the activities in which they plan to engage during a plurality of time periods. Rather, these Figures show the shift assignments for workers after they are generated by the scheduling system.

Dellevi et al. discloses a shift trade recording system. Dellevi et al. teaches away from the claimed subject matter inasmuch as Dellevi et al. associates one "work area function" (WAF) with each time shift. See col. 5, lines 21-23. Consequently, Dellevi et al. provides no disclosure about specifying different activities within a work day, much less about selecting such different work activities from a list of work activities.

Moseley et al. discloses a calendar that can be used to schedule appointments, tasks, meetings, etc. Moseley et al. does not disclose or suggest selecting work activities from a list of work activities as claimed.


For at least these reasons, Applicant respectfully submits that the proposed combination of O'Brien, Dellevi et al. and Mosely et al. does not make the subject matter of the claims obvious.

THOMPSON et al.
Serial No. 09/723,319
Response to Office Action dated January 23, 2008

The pending claims are believed to patentably distinguish over the applied documents
and favorable office action is respectfully requested.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 
Michael J. Shea
Reg. No. 34,725

MJS:mjs
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100